



Legislative Department  
Seattle City Council  
Memorandum

**Date:** June 7, 2010

**To:** Councilmember Sally J. Clark, Chair  
Councilmember Tim Burgess, Vice Chair  
Councilmember Sally Bagshaw, Member  
Committee on the Built Environment (COBE)

**From:** Rebecca Herzfeld and Michael Jenkins, Council Central Staff

**Subject:** June 9, 2010 COBE Meeting: Design Standards and Administrative Design Review in Lowrise Multifamily Zones

To continue the review of regulations for Lowrise (LR) multifamily zones, we are requesting direction from the Committee on three issues. The first is whether to require administrative design review for townhouses or other housing types. The second is whether to establish specific design standards for all multifamily housing types in LR zones. The Committee began the discussion of these issues at its May 12 meeting. The third issue is the green factor landscaping requirement. The Department of Planning and Development (DPD) is presenting proposed amendments to the requirements based on Council direction, public comments, and recommendations from the Seattle Urban Forestry Commission.

**Part 1: Streamlined Administrative Design Review**

**1A. Current Design Review Procedures**

The Code currently provides two processes for design review. One is a mandatory process for projects over a certain size threshold. It requires that a volunteer Design Review Board review a project at a public meeting at least twice—once before an application is submitted to provide early design guidance (EDG), and once after an application is made, to determine whether the developer has followed the Board's guidance. The Board has the authority to make changes in the design of the project and to grant departures from most Code standards if a better building would result. In reviewing the project, the Board uses adopted citywide design guidelines, as well as specific neighborhood guidelines if they apply. The DPD decision about a design review project is appealable to the City's Hearing Examiner.

The second design review process in the current Code is administrative design review (ADR). Developers of smaller projects that do not meet the threshold for mandatory design review may volunteer for ADR in order to get development standards departures that result in better project design. The main differences between ADR and mandatory design review are that DPD staff does the review, rather than the Design Review Board, and that public meetings about the project are not required.

### 1B. DPD Proposal for streamlined ADR

Last fall, then-Mayor Nickels submitted legislation to the Council that proposed a new streamlined administrative design review process (called SDR in this memo). The Executive recommendation is that all townhouse projects with more than two units be subject to SDR. Many townhouses have been criticized in recent years for a perceived lack of good design and because they do not fit well into existing neighborhoods. The intent of the proposed SDR process is to encourage new townhouse development that contributes positively to neighborhood character.

Table 1 below compares the current threshold for mandatory design review and the proposed threshold for SDR, for both the current LR zones and the combined LR zone categories in the draft Committee proposal.

**Table 1: Comparison of Current and DPD Proposed LR zone Design Review Thresholds**

Current LR zone	Proposed LR zone	Current Threshold for Mandatory Design Review	DPD proposed Threshold for SDR
Lowrise Duplex/Triplex (LDT)	Lowrise 1 (LR1) and Lowrise 2 (LR2)	No requirement	3 or more townhouse units
Lowrise 1 (L1)			
Lowrise 2 (L2)			
Lowrise 3 (L3)	Lowrise 3 (LR3)	9 or more units	3 or more townhouse units (9 or more units of any type require full design review)
Lowrise 4 (L4)			

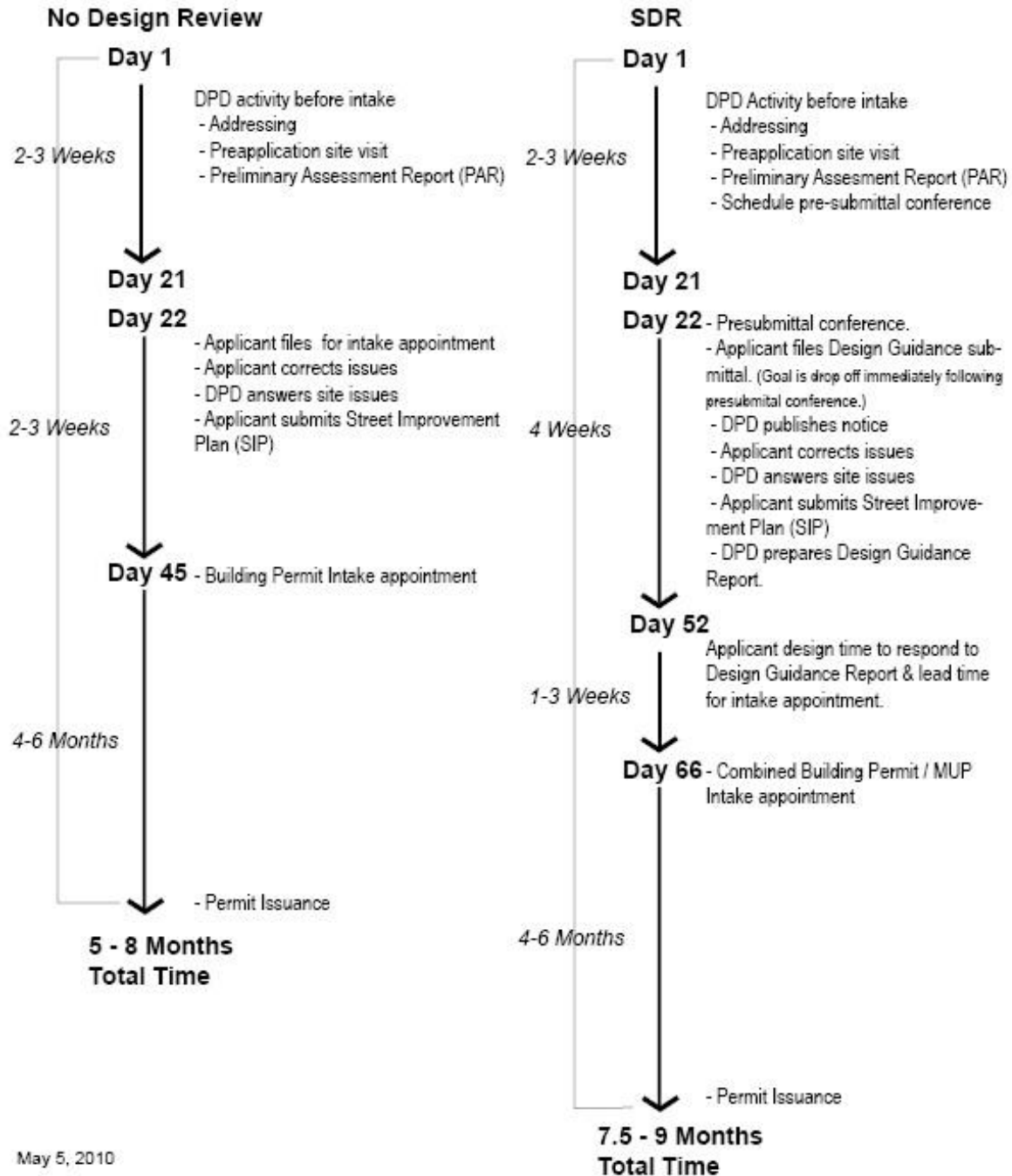
The SDR process proposed by DPD is intended to improve project design while reducing the costs of design review and preserving an opportunity for public comment. The key elements of the SDR process include:

- **Fewer Steps.** Reduce the design review process from two major steps – Early Design Guidance and Design Review Recommendation – to one major design guidance step.
- **Pre-Submittal Guidance.** Provide a more substantial conference between DPD staff and the applicant before permit application. The conference would include a full range of reviewers, including other department representatives as needed.
- **Simplified Application and Submittal Requirements.** Reduce the complexity and cost of the documents required to be submitted to DPD for the SDR process, and simplify the design guidance report that the DPD planner sends back to the applicant.
- **Staffing.** Assign a sub-group of three to five DPD planners to SDR, to help provide consistent plan review. These planners would conduct both design review and the zoning check, which are currently performed by two or more staff.
- **Public Comment Opportunity.** Require public notice and comment for all SDR projects early in the design guidance process, before permit application is made. Make all SDR application information available to the public on the DPD website.

- **Integration of Permits.** Make it easier for SDR applicants to combine Master Use Permit (MUP) and Building Permit submittals for townhouse projects.
- **Design Flexibility.** Provide flexibility in applying development standards in order to improve project design, by permitting DPD staff to approve limited adjustments (capped at a fixed percentage) to certain standards without triggering an additional notice requirement or appeal opportunity.
- **No appeal.** Unlike the other design review processes, SDR permit decisions would not be appealable.

The flow chart on the following page compares the timing for a permit that is not subject to design review and one that goes through the proposed SDR process.

## Permit Processing Timeline Comparison No Design Review & Proposed Streamlined Design Review (SDR)



### 1C. Design Flexibility under SDR process

Current design review procedures recognize that providing some flexibility in meeting code requirements can help projects meet the intent of the design guidelines and provide options for better responding to environmental or site conditions, such as topography, the location of trees, or neighboring development. Providing this flexibility could also lead to a greater variety of townhouse designs in multifamily neighborhoods. The proposed SDR process would authorize the DPD Director to adjust specified code requirements, up to a fixed percentage, to accomplish these goals. Adjustments to the floor area ratio and density limits, parking requirements, and height limits would not be permitted. In order to earn a larger departure, a developer could instead volunteer to go through the regular ADR process, which is a more involved and provides an appeal opportunity. The proposed amounts of authorized adjustment are as follows:

- 1) Setbacks: 50 percent;
- 2) Residential amenity areas: 10 percent;
- 3) Landscaping and screening: 25 percent;
- 4) Structure width and structure depth limits: 10 percent;
- 5) Screening of parking: 25 percent; and
- 6) Parking garage entrance requirements: 25 percent.

### 1D. Processing Time and Permit Fees for Proposed SDR

During the Council's review of the multifamily code amendments, some people have commented that adding a requirement for SDR will increase the cost of housing because of: 1) increased fees; and 2) higher holding costs for land due to longer permit processing times. Both of these cost factors are addressed below, and Table 2 on the following page compares the fees and holding costs for the current process for a 4-unit townhouse, the proposed SDR process, and the existing voluntary ADR process.

In the 2009 Director's report, DPD estimates that an average of 50 additional projects per year would be subject to the proposed SDR process. Between three to five specialized SDR planners would be trained to do both the zoning and design review for these projects. Currently, small townhouse projects require only a zoning review, which takes approximately three hours. DPD estimates that the new SDR process would require approximately 25 hours of review per project, or 22 additional hours. DPD charges \$250 per hour for land use review, so land use permit fees for a typical townhouse for which SDR is required would increase from \$750 to \$5,500, an increase of \$4,750. In addition, we estimate that design fees for architects hired by developers to respond to DPD design guidance would cost an additional \$4,000 (40 hours at \$100 per hour). Together, these two fees would add about \$8,750 to total project costs.

DPD estimates that SDR would increase the permit review times by one to two months compared to a project that only requires a building permit. Assuming a carrying cost for a typical four unit townhouse project of \$1,800 per month (land cost of \$340,000 at 6.5% annual interest), the carrying cost of holding a site during the permit process would increase by \$1,800 to \$3,600. DPD staff note that the applicant has a lot of influence over the time it takes to process a permit. For example, if application materials are complete, and if the applicant responds quickly to correction requests, the permit process will move forward much more quickly than if the applicant is not responsive to requests from DPD staff. The one to two month estimate of additional time required assumes a responsive applicant.

**Table 2: Administrative Design Review (ADR) for Townhouses Permit Cost Comparison**

	<b>Construction Value (1)</b>	<b>Land Use Permit Estimated Cost (2)</b>	<b>Building Permit Cost (3)</b>	<b>Additional Design Fees</b>	<b>Additional Land Carrying Cost (4)</b>	<b>Total Cost (5)</b>
<b>Typical 4-Unit Townhouse No Design Review</b>	<b>\$490,000</b>	<b>\$750</b> No Master Use Permit (MUP) Fee. Zoning review only, typically 3 hours.	<b>\$6,110</b> Based on Construction Value and the Development Fee Index.			<b>\$6,860</b>
Percentage of Construction Value		<b>0.15%</b>	<b>1.25%</b>			<b>1.4%</b>
<b>Current ADR for Townhouse Project</b>	<b>\$490,000</b>	<b>\$9,250</b> Includes EDG, MUP fees and average hourly design review planner hours.	<b>\$6,110</b> Same as above.	<b>\$6,700</b> 67 hours at \$100 per hour.	<b>\$7,360 to \$9,210</b> + 4 to 5 months Based on land price.	<b>\$29,420 to \$31,270</b>
Percentage of Construction Value		<b>1.89%</b>	<b>1.25%</b>	<b>1.4%</b>	<b>1.5% to 1.9%</b>	<b>6.0% to 6.4%</b>
<b>Proposed Streamlined ADR (SDR) for Townhouse Project</b>	<b>\$490,000</b>	<b>\$5,500</b> Includes design guidance and planner design review hours.	<b>\$6,110</b> Same as above.	<b>\$4,000</b> 40 hours at \$100 per hour.	<b>\$1,840 to \$3,680</b> + 1 to 2 months Based on land price.	<b>\$17,450 to \$19,290</b>
Percentage of Construction Value		<b>1.1%</b>	<b>1.25%</b>	<b>.8%</b>	<b>.4% to .8%</b>	<b>3.6% to 3.9%</b>

- (1) Average construction value reported to DPD for permitting purposes on 4 unit townhouse projects without ADR during 2007 – 2008 period.
- (2) Land use permit costs derived from 2009 Fee Subtitle rates and average and projected review hours as determined by DPD.
- (3) Building permit costs derived from 2009 Fee Subtitle Development Fee Index, and construction value in column 1. Assumes a non-standard plan scenario. If already established standard plan were used, the \$6,110 fee would be reduced to \$4,277, and 1.25% reduced to .87%.
- (4) Carrying cost assumed at investment in land of \$340,000 (\$85 per square foot for 4,000 square foot lot) for 1 or 2 months at 6.5% annual interest, and 4 to 5 months for the existing ADR process.
- (5) The total costs for design review would be 147% to 174% more than the cost for a project that is not subject to design review.

As shown in Table 2, while the proposed SDR process is substantially less expensive than the current ADR process, it would add about \$10,600 to \$12,400 to total project costs. Costs related to permit processing would increase from approximately 1.4% of construction value to a range of 3.6% to 3.9% of construction value.

According to Greg Easton, the Council's real estate economic consultant, a townhouse developer would not be able to absorb the expected cost increase from the SDR process and still make a profit. The developer would therefore have to increase the sale price of the townhouse units. For the example in Table 2, the price of each unit would be increased by \$2,650 to \$3,100, or about one percent. However, Mr. Easton also points out that the SDR process could add value to the project by increasing the desirability of the units. This marketing benefit could potentially make up for the increased permitting costs.

#### 1E. DPD staffing for SDR

Creating a new SDR process would generate about 1,100 new billable hours of DPD staff time annually, or approximately one full time equivalent (FTE), according to DPD estimates. At the current hourly rate of \$250, the revenue generated would be \$275,000, which would be adequate to cover the cost of an additional position. Given the current economic climate, the fiscal note that accompanied the DPD legislation states that "DPD will absorb the workload with existing staff". As permit volumes increase, a new staff person would need to be added and trained.

Councilmember Clark has raised a concern about the availability of qualified staff to administer the SDR process over time. Currently permit volumes are low, but in the past DPD has been subject to very high permit application volumes, due to the cyclical nature of the construction industry. The question is whether during such peak periods DPD would be able to maintain fast turnaround times for SDR projects, or whether such projects (or other land use applications) would be delayed. The Director's Report says that there is a potential "under peak volumes, to add some minor delay to DPD's overall flow of land use permits".

Unlike other departments, DPD does have contingent budget authority, granted in 2001 by the Council in Resolution 30357. When revenues exceed the adopted forecast due to high permit volume, DPD may use the contingent budget authority for additional overtime, contract workers, temporary employees, regular personnel, or non-personnel services as needed, without further Council approval. The Budget Office has to agree to the addition of permanent employees, and must respond to DPD's request within two weeks. Three vacant land use planner positions are available in DPD's current contingent budget.

#### 1F. Micro-permitting

A common practice of townhouse developers is to divide a project into smaller parts and apply for individual permits for each part, in order to avoid going through design and/or environmental (SEPA) review. This practice is sometimes referred to as "micro-permitting". Requiring SDR could remove an incentive to follow this practice, because each smaller townhouse project would be required to go through design review in any case. However, it would probably not end micro-permitting, as the mandatory design and SEPA review processes are appealable, and the SDR process does not provide an appeal opportunity. Developers might still divide projects into separate permits in order to avoid the possibility of an appeal.

The proposed code language that would implement SDR is shown below in Attachment A.

#### 1G. Staff recommendations on SDR

The question before the Committee is whether the proposed SDR process would provide benefits that outweigh the additional costs. Because of the importance of improving the design of townhouses, we recommend that the proposed SDR process be required for townhouses with three or more units, as proposed by DPD.

Since the SDR process is intended to encourage better design, we recommend that other housing types in LR zones (cottage housing, rowhouses, and apartments) be given the option to use it if a developer elects to do so and the project is below the threshold for mandatory design review.

We also recommend that the specific design standards in Section 23.45.529 apply *only* to projects that are not going through design review. If a project is subject to SDR or another design review process, the citywide design guidelines provide adequate guidance and the specific LR zone standards are not necessary.

In response to a recommendation from the Urban Forestry Commission, we are also recommending that streamlined design review be used when a project is subject to design review only because there is an exceptional tree on the lot that could be saved. The Commission's letter to the Council states that the current requirement for administrative design review is a disincentive to saving trees "because of added time and cost as well as unpredictability". Switching to the SDR process would help reduce time and cost, and would remove the opportunity to appeal, which would help provide predictability.

#### 1H. Reporting back to the City Council

In order to address the concerns that have been raised about the SDR process and its possible effect on permit processing times, we recommend that DPD set a specific target for SDR permit review, and report back to the Council on a regular basis on whether the target is being met. In addition, we recommend that DPD evaluate the SDR program after permits for twenty projects have been issued. Proposed language that calling for DPD to report back to the Council, which would be included in the Lowrise ordinance, is shown below:

Section X. The Council requests that the Department of Planning and Development (DPD) establish a specific target for review of permit applications subject to the streamlined design review (SDR) process. DPD will report on the target in the online permit turnaround data that the Department updates monthly, and will report on the turnaround times as part of the regular Department presentations to the Committee on the Built Environment or its successor Committee. In addition, the Council requests that the Executive submit a written report evaluating the SDR process to all Councilmembers after Master Use Permit decisions for twenty SDR projects have been published. In the report, DPD will provide an evaluation of the cost of SDR, the amount of staffing required for SDR, the amount and purpose of the adjustments granted by DPD, the effects on project design, and potential program improvements.



## **Committee Direction on SDR:**

### **Part 2: Design Standards for LR zones in the Land Use Code**

The proposed legislation that was submitted to the Council last March established specific design standards for all multifamily housing in LR zones. Since then, staff have revised the standards to reflect your direction to regulate according to four housing types (cottage housing, townhouses, rowhouses, and apartments). The revised standards are contained in Section 23.45.529 of the draft LR zone bill that is out now for public review. You have not yet discussed the standards, which are shown in Attachment B to this memo.

#### 2A. Intent of the design standards

As stated in the draft code language, the intent of the new design standards is to:

- Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;
- Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;
- Promote livability in multifamily environments by providing a sense of openness and access to light and air; and
- Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

#### 2B. Overview of proposed design standards

The proposed standards focus on how a project looks from the street. The first set of standards would apply to all housing types, and would require that at least 20 percent of the street-facing façade be comprised of windows and doors, and that the façade be articulated so that it is not just a flat plane. Trim is also required to mark roof lines, porches, windows and doors on all street-facing facades. The proposal gives the DPD Director the authority to vary these façade standards if the applicant can demonstrate that the intent of the standards is met in a different way.

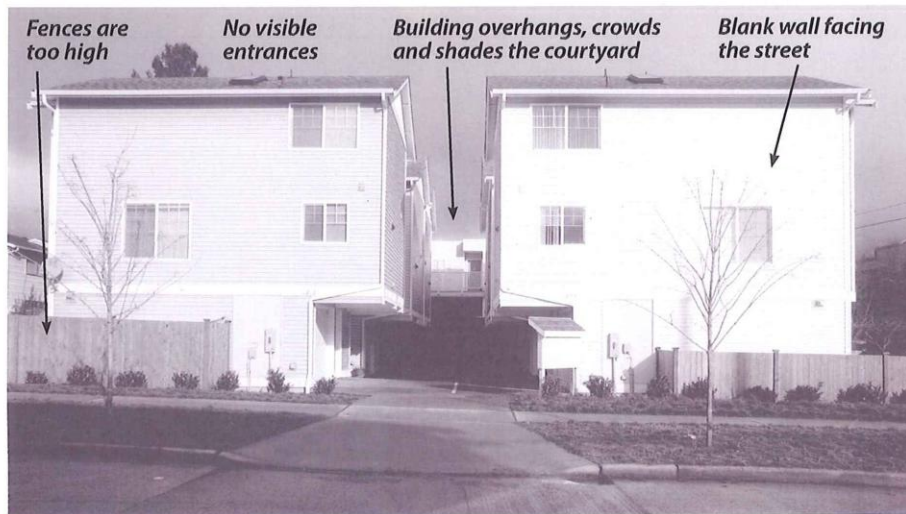
In addition to these standards, the proposed LR zoning contains requirements that garage doors to individual townhouse units be set back at least 15 feet from the street, and that set a limit on the size of garage doors at 75 square feet per unit. We are recommending that these requirements be moved to the section on design standards from the parking and access section, and this change is reflected in Attachment B.

In addition to the general standards, the proposal includes a second set of design standards specific to each housing type. These standards generally require a visually prominent pedestrian entry facing the street. Cottage housing must use design methods, such as bay windows or variation in siding texture and materials, to reduce the visual scale of the individual units.

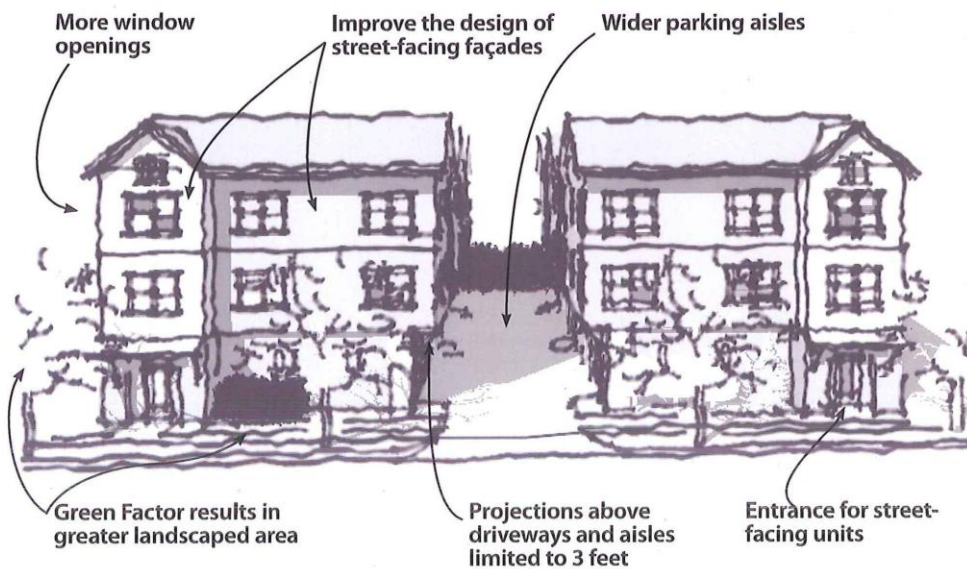
Townhouses and rowhouses are required to provide architectural detailing or a composition that helps to visually identify each individual unit as seen from the street.

The diagram below illustrates an existing townhouse structure that does not meet the proposed standards, and what such a development might look like if the design standards are met (note that a townhouse development of this size would be required to go through the SDR process).

## Existing Conditions



## Proposed Improvements



## 2C. Staff Recommendation

We recommend that the design standards proposed in Section 23.45.529 be approved for projects that are not subject to design review, with one amendment. The standards require that in order to help articulate the side of the building that faces the street, trim be provided that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, porches, windows and doors. While such trim can be effective in improving building design, it is associated with the Craftsman style. It would be very difficult to build a structure with a contemporary design that meets the proposed requirement for trim. We recommend that in addition to the trim requirement, the code provide an option that allows other methods for highlighting doors, windows and rooflines.

### **Committee Direction on design review standards:**

### **Part 3: Green Factor Landscaping Requirements**

In May, at the Council's request, the Urban Forestry Commission (UFC) discussed the proposed revisions to the LR multifamily zoning. The 2007 Urban Forestry Management Plan (UFMP) recommended applying the Green Factor standards to multifamily residential zones, which has been accomplished for Midrise and Highrise zones, and is now proposed for lowrise zones.

The UFMP establishes a goal of 20% tree canopy coverage for multifamily residential zones. DPD's analysis estimates that the proposed 0.60 Green Factor score for LR zones would result in projects ranging from 18 to 25 percent tree canopy coverage 15 years after a project is built, consistent with the UFMP goal.

While the proposed LR zoning generally carries out the UFMP, the Commission offered further draft recommendations in a letter to Councilmember O'Brien on how the proposal could better align with the City's goals for tree protection and urban forest canopy coverage. In addition, the COBE has received several public comments about the proposed landscaping requirements. In response to these recommendations, we suggest the following changes:

- **Limit vegetated walls in LR zones to no more than 25% of a project's Green Factor score.** Vegetated walls are vertical or near-vertical surfaces covered by plants. The UFC recommends that the use of vegetated walls in LR zones be limited in order to encourage tree planting and preservation. Other public comments agree with this recommendation, and state that the landscaping requirements in LR zones should focus on green space at ground level for residents.

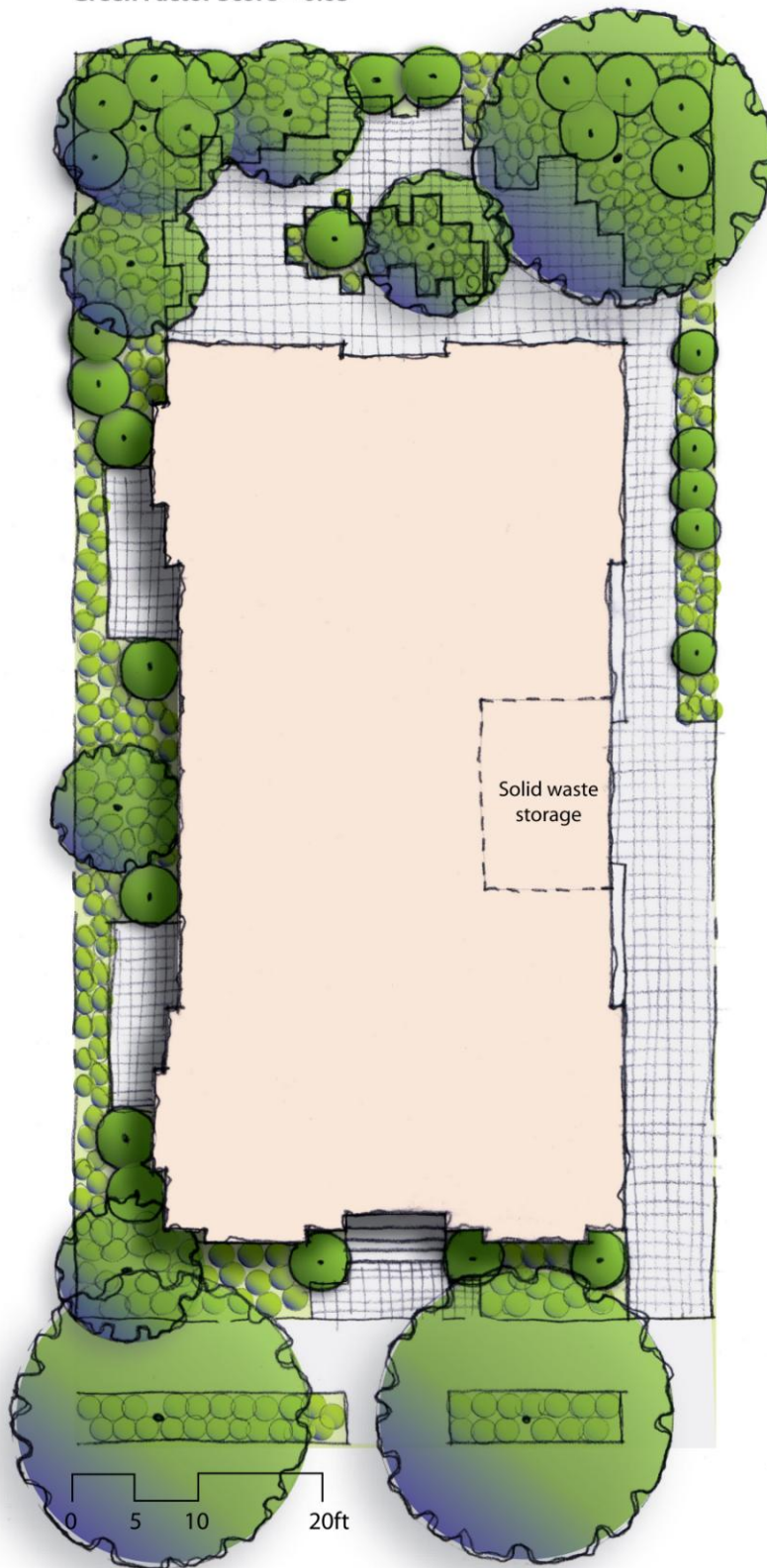
Currently, there is no limit on the amount of credit that can be earned by the use of vegetated walls. We recommend that a maximum of 25 percent of the Green Factor score be earned by vegetated walls. This limit on vertical landscaping is appropriate given that setbacks and amenity space requirements provide ample room for landscaping at grade. Because flowering vines on fences and espaliered fruit trees on south-facing walls can provide real amenity value in LR landscapes, we are not recommending eliminating all credit for vegetated walls in LR zones.

- **Increase the credit awarded to trees and decrease the credit awarded to shrubs in all zones where the Green Factor applies.** We agree with the UFC that the current Green Factor calculations for trees are too low, and that too much credit is given to shrubs and large perennials. The credit for shrubs was initially set for large shrubs exceeding four feet in height, and this was subsequently changed to two feet without lowering the credit. To address this concern, we are proposing giving greater credit for trees and less for shrubs in *all* zones where the Green Factor applies. The proposed credits are intended set to provide a balance between encouraging more trees while not inflating the credits for trees so much that it could make it too easy to meet Green Factor requirements. The proposed changes would have little effect on designs that provide a desirable mix of trees and shrubs, but would encourage planting of larger trees and penalize projects that relied excessively on shrubs.
- **Improve the DPD Director's Rule 6-2009 about Landscaping requirements.** As recommended by the UFC, DPD is proposing to amend the Director's Rule 6-2009 to provide more guidance to help ensure that trees can reach full maturity. For example, the Rule will reference soil amendment requirements for tree planting, clarify that an adequate root zone is crucial for appropriate siting of trees and other plants, and highlight the existing incentives for native conifers. DPD will also strengthen the current requirements for protecting preserved trees during construction.
- **Expand approved tree list.** DPD staff will work with the Urban Forestry Commission to add more conifers to the list of approved trees for on-site planting established by DPD and the Seattle Department of Transportation.

The plan on the following page is an example of how the revised Green Factor landscaping requirement would apply to a typical lot in a Lowrise 3 zone. The requirement could be met easily without the use of green roofs or vegetated walls.

### LR3 apartments

Green Factor Score = 0.63



The Congress of Residential Architects (CORA) has recommended that permeable paving be given a higher score under the Green Factor. We do not recommend that the credit for permeable paving be increased, as this could encourage paving rather landscaping. We are continuing to review the UFC and CORA recommendations about increasing the required amount of residential amenity areas.

### **Next Steps**

At the COBE meeting on June 23, the Committee will continue discussion of LR zone issues. One of the planned topics is unit lot subdivisions.

### **Attachments:**

A: Proposed Land Use Code Amendments to add SDR Process

B: Proposed wording of Section 23.45.529 - Design standards [in LR zones]

C: Propose revisions to the Green Factor landscaping requirement (Section 23.45.524).

## **Attachment A: Proposed Land Use Code Amendments to add SDR Process**

The proposed amendments to the Land Use Code to add the SDR process would read as follows, with new wording shown underlined and deleted text ~~crossed out~~. Sections that are completely new to the code are not shown with underlines.

### **Section 23.41.004 Applicability((:)) [of design review procedures]**

#### **A. Design Review Required((:))**

\* \* \*

5. ~~Administrative~~ Streamlined Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, ~~administrative~~ streamlined design review (Section 23.41.016~~8~~) is required for new multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the site, even if design review would not otherwise be required by this subsection 23.41.004.A.

\* \* \*

8. Streamlined administrative design review (SDR) pursuant to Section 23.41.018 is required for all new development proposals that include at least three dwelling units, at least one of which is a townhouse, and for which design review is not otherwise required by this subsection 23.41.004.A. If the applicant for such a development proposal requests a development standard departure pursuant to Section 23.41.012, the proposal shall use the administrative design review process pursuant to Section 23.41.016 instead of the streamlined design review process.

#### **B. Design Review -- Optional((:))**

1. Design review is optional to any applicant for new multifamily, commercial or Major Institution development proposals not otherwise subject to this ((e))Chapter 23.41, in the Stadium Transition Area Overlay District, and in all multifamily, commercial, ~~((e))~~and downtown zones.

2. ~~((A-a))~~Administrative design review ((process)) is an option in multifamily, commercial, and downtown zones, and in the Stadium Transition Area Overlay District, according to the process described in Section 23.41.016, to an applicant for:

a. new multifamily or commercial development proposals; and



b. to protect trees(~~(, or)~~) as provided in (~~(subsection B3 below)~~) subsection 23.41.004.B.4 below(~~(, in the Stadium Transition Area Overlay District, and in multifamily, commercial or downtown zones, according to the process described in Section 23.41.016)~~).

3. Streamlined design review is an option in LR zones for applicants for multifamily residential uses, for which design review is not otherwise required by subsection 23.41.004.A and for which no development standard departure pursuant to Section 23.41.012 is requested.

~~((3))~~4. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial development proposals in Lowrise, Midrise, and Commercial zones to protect a tree over ~~((two (2)))~~ 2 feet in diameter measured ~~((four and one half (4 1/2)))~~ 4.5 feet above the ground, even when design review would not otherwise be required by subsection 23.41.004.A(~~(, above)~~).

\* \* \*

A new Section 23.41.018 about SDR would read as follows:

**Section 23.41.018 Streamlined administrative design review (SDR) process**

A. A preapplication conference is required for all projects subject to this Section 23.41.018 unless waived by the Director, pursuant to Section 23.76.008.

B. Following a preapplication conference, a proponent may apply to begin the design guidance process.

1. An application for design guidance shall include the following:

a. An initial site analysis addressing site opportunities and constraints, adjacent buildings, and the zoning of the site and adjacent properties; and

b. A drawing of existing site conditions, indicating topography of the site and location of structures and prominent landscape elements on the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated) if any; and

c. A preliminary site plan including structures, open spaces, vehicular and pedestrian access, and landscaping, and responses to applicable citywide and neighborhood design review guidelines; and

d. One or more color renderings adequate to depict the overall massing of structures and the design concept.

2. Notice of application for design guidance shall be provided pursuant to Chapter 23.76.

3. The purpose of design guidance shall be to receive comments from the public, identify concerns about the site and design concept, identify citywide design guidelines of highest priority to the site, explore conceptual design and siting alternatives, and identify and document proposed development standard adjustments. As a result of the design guidance process, the Director shall prepare a report, which may take the form of notes marked on the design guidance application documents or a brief written document. The report shall identify those guidelines of highest priority and applicability, document any design features needed to achieve consistency with the design guidelines, and any development standard adjustments.

4. The Director shall distribute a copy of the report to the proponent.

#### C. Application for Master Use Permit

1. After issuance of the design guidance report, the proponent may apply for a MUP.

2. The MUP application shall include a brief explanation of how the proposal addresses the design guidance report, in addition to standard MUP submittal information required by Section 23.76.010. The MUP application may request development standard adjustments that were identified in the design guidance report.

3. Notice of application for a project subject to design review shall be provided according to Chapter 23.76.

#### D. Director's Decision

1. The Director shall make the SDR decision as part of the Master Use Permit decision for the project.

2. The Director shall consider public comments on the proposed project, and the Director's decision shall be based on the extent to which the application meets applicable design guidelines and responds to the design guidance report.

3. Except as provided in this subsection 23.41.018.D.3, projects shall meet all codes and regulatory requirements applicable to the subject site.

a. The Director may allow development standard adjustments that were identified in the design guidance report and that are otherwise authorized pursuant to Section 23.41.012.

b. The Director may allow the adjustments listed in this subsection 23.41.018.D.3 if the adjustments are consistent with the design guidance report and the adjustments:

1) would result in a development that better meets the intent of adopted design guidelines; or

2) are necessary to respond to environmental or site configuration conditions, including but not limited to topography, the location of trees, or adjacent uses and structures.

c. If the criteria listed in subsection 23.41.018.D.3.b are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:

1) Setbacks: 50 percent;

2) Residential amenity areas: 10 percent;

3) Landscaping and screening: 25 percent;

4) Structure width and structure depth limits: 10 percent;

5) Screening of parking: 25 percent; and

6) Parking garage entrance requirements: 25 percent.

E. Notice of Decision. Notice of the Director's decision shall be provided pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

#### **Section 23.76.004 Land use decision framework((;))**

A. Land use decisions are classified into five (~~((5))~~) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (~~((5))~~) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in (~~(Exhibit A)~~) Table A for 23.76.004.

**(~~(Exhibit 23.76.004 A)~~)Table A for 23.76.004**

**LAND USE DECISION FRAMEWORK  
DIRECTOR'S AND HEARING EXAMINER'S  
DECISIONS REQUIRING MASTER USE PERMITS**

<b>TYPE I</b> <b>Director's Decision (No Administrative Appeal)</b>	<b>TYPE II</b> <b>Director's Decision (Appealable to Hearing Examiner*)</b>	<b>TYPE III</b> <b>HEARING Examiner's Decision (No Administrative Appeal)</b>
<ul style="list-style-type: none"> <li>• Compliance with development standards</li> <li>• Uses permitted outright</li> <li>• Temporary uses, four weeks or less</li> <li>• Intermittent uses</li> <li>• Certain street uses.</li> <li>• Lot boundary adjustments</li> <li>• Modifications of features bonused under Title 24</li> <li>• Determinations of significance (EIS required) except for determinations of</li> <li>• significance based solely on historic and cultural preservation</li> <li>• Temporary uses for relocation of police and fire stations</li> <li>• Exemptions from right-of-way improvement requirements</li> <li>• Special accommodation</li> <li>• Reasonable accommodation</li> <li>• Minor amendment to a Major Phased Development Permit</li> <li>• Determination of public benefit for combined lot FAR</li> <li>• Determination of whether an amendment to a Property Use and Development Agreement is major or minor</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary uses, more than four weeks, except for temporary relocation of police and fire stations</li> <li>• Variances</li> <li>• Administrative conditional uses</li> <li>• Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)</li> <li>• Short subdivisions</li> <li>• Special Exceptions</li> <li>• Design review, <u>except for streamlined design review pursuant to Section 23.41.018</u></li> <li>• Light rail transit facilities</li> <li>• The following environmental determinations:               <ol style="list-style-type: none"> <li>1. Determination of nonsignificance (EIS not required)</li> <li>2. Determination of final EIS adequacy</li> <li>3. Determination of significance based solely on historic and cultural preservation</li> <li>4. A decision by the Director to approve, condition or deny a project based on SEPA Policies</li> <li>5. A decision by the Director that a project is consistent with a Planned Action</li> </ol> </li> </ul>	<p style="text-align: center;">Subdivisions (preliminary plats)</p>

<b>TYPE I</b> <b>Director's Decision (No Administrative Appeal)</b>	<b>TYPE II</b> <b>Director's Decision (Appealable to Hearing Examiner*)</b>	<b>TYPE III</b> <b>HEARING Examiner's Decision (No Administrative Appeal)</b>
<ul style="list-style-type: none"> <li>• <u>Projects subject to streamlined design review, pursuant to Section 23.41.018</u></li> <li>• Other Type I decisions that are identified as such in the Land Use Code</li> </ul>	<p>Ordinance and EIS (no threshold determination or EIS required)</p> <ul style="list-style-type: none"> <li>• Major Phased Development</li> <li>• Downtown Planned Community Developments</li> </ul>	

\* \* \*

(Note—the list of Type I and Type II decisions in Section 23.76.006 would also be amended.)

**Section 23.76.011 Notice of ~~((early))~~ design guidance and planned community development process~~((;))~~**

A. The Director shall provide the following notice for the required early design guidance process or design guidance process for design review projects subject to Sections 23.41.014, 23.41.016, or 23.41.018, and for the preparation of priorities for planned community developments:

1. Publication of notice in the Land Use Information Bulletin; and
2. Mailed notice ~~((; and))~~.

B. The applicant shall post one land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one sign and/or an alternative posting location so that notice is clearly visible to the public.

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location and purpose of the meeting shall be included with the mailed notice.

D. The land use sign may be removed by the applicant the day after the public meeting, or, if no public meeting is required, the day after MUP application is made.

**Section 25.11.070 Tree protection on sites undergoing development in Lowrise ~~((Duplex/Triplex, Lowrise 1, Lowrise 2, and Lowrise 3))~~ zones~~((;))~~**

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional Trees((:))

1. If ~~((it is determined))~~ the Director determines that there is an exceptional tree located on the ~~((site))~~ lot of a proposed development, the ~~((project))~~ development shall go through streamlined administrative design review as provided in Section ~~23.41.016~~ 23.41.018 even if ~~((the project))~~ it would normally fall below the threshold for design review ~~((as contained))~~ established in Section 23.41.004.

2. The Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted ~~((development coverage))~~ FAR and the height limit of the applicable lowrise zone according to SMC Title 23, the Land Use Code, cannot be achieved while avoiding the tree protection area through the following:

- a. Development standard departures permitted in Section 23.41.012.
- b. An increase in the permitted height as follows under subsection

25.11.070.A.3.((:))

~~((i. In ((Lowrise Duplex/Triplex,)) Lowrise 1((,)) and Lowrise 2 zones, the basic height limit of twenty five (25) provided for in Section 23.45.009A may be increased up to thirty (30) feet; the pitch roof provisions of Section 23.45.009 C1 may be modified to permit the ridge of pitched roofs on principal structures with a minimum slope of ((six to twelve ()))6:12((( to extend up to ((forty ())40((( feet, and the ridge of pitched roofs on principal structures with a minimum slope of ((four to twelve ())4:12((( may extend up to ((thirty five ())35((( feet.~~

~~ii. In Lowrise 3 zones the height of the pitched roof provided for in Section 23.45.009C3 may extend up to ten (10) feet above the maximum height limit.))~~

3. In order to preserve an exceptional tree, for a principal structures with a base height limit of 40 feet that is subject to the pitched roof provisions of Section 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet ~~((.iii. The increase in height permitted in this section shall only be approved))~~ if ~~((it can be demonstrated that it))~~ the increase is needed to accommodate, on an additional ~~((floor))~~ story, the amount of floor area lost by avoiding development within the tree protection area ~~((. The maximum))~~ and the amount of floor area on ~~((an))~~ the additional ~~((floor))~~ story ~~((shall be))~~ is limited to the amount of floor area lost by avoiding development within the tree

protection area. ~~((This provision for increased height shall not be permitted if the development is granted a departure from the development standards for setbacks.))~~

c. Parking Reduction. A reduction in the parking quantity of Section 23.54.015 and standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area. ~~((The reduction shall be limited to a maximum of ten (10) percent of the number of required parking spaces)).~~

B. Trees Over ~~((Two (2)))~~ 2((+)) Feet in Diameter ~~((Measured Four and One half (4½) Feet Above the Ground.))~~

1. Trees over ~~((two (2)))~~ 2((+)) feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over ~~((two (2)))~~ 2((+)) feet in diameter an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.070.A ~~((of this section))~~, above.

~~((C. The development shall meet the tree requirements in landscaped areas of Section 23.45.015C)).~~

**25.11.080 Tree protection on sites undergoing development in ~~((Lowrise 4,))~~ Midrise((+)) and Commercial Zones((+))**

The standards in this Section 25.11.080 apply in Midrise and Commercial zones.

A. Exceptional Trees.

1. If it is determined that there is an exceptional tree located on the site the project shall go through streamlined administrative design review as provided in Section ~~23.41.016~~ 23.41.018 even if the project would normally fall below the threshold for design review as contained in Section 23.41.004.

2. The Director may permit an exceptional tree to be removed only if the applicant demonstrates that protecting the tree by avoiding development in the tree protection area could not be achieved through the development standard departures permitted in Section 23.41.012, and/or a reduction in the parking requirements of Section 23.54.015 up to a maximum reduction of ~~((ten (10)))~~ 10((+)) percent of the number of required parking spaces.

B. Trees Over ~~((Two-))2((+))~~ Feet in Diameter ~~((Measured Four and One half (4 1/2) Feet Above the ground.))~~

1. Trees over ~~((two-))2((+))~~ feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over ~~((two-))2((+))~~ feet in diameter an applicant may request and the Director may allow modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.080.A ~~((of this section))~~, above.

\* \* \*



## Attachment B: Proposed wording of Lowrise zone design standards

The proposed amendments to the Land Use Code to add the design standards for LR zones are shown below. This section would be completely new to the Land Use Code and is not shown with underlines.

### Section 23.45.529 - Design standards [in LR zones]

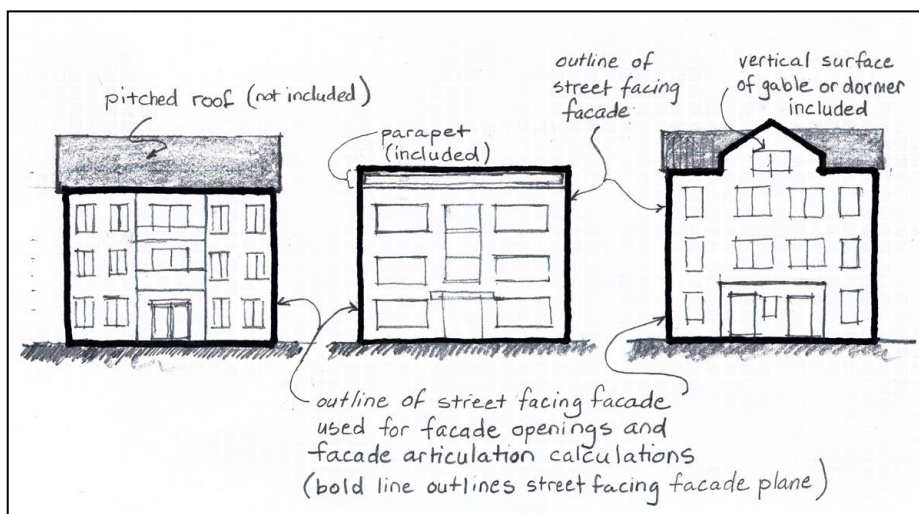
A. Intent. The intent of the design standards in this Section 23.45.529 is to:

1. Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;
2. Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;
3. Promote livability in multifamily environments by providing a sense of openness and access to light and air; and
4. Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

B. Application of Provisions. The provisions of this Section 23.45.529 apply to all multifamily residential uses in LR zones, and all multifamily residential uses with 20 or fewer units in MR and HR zones, that are not subject to any of the design review procedures of Chapter 23.41.

C. Treatment of Street-Facing Facades. For the purposes of this subsection 23.45.529.C, a street-facing facade includes all vertical surfaces enclosing interior space on pitched roofs, such as gables and dormers, as shown in Exhibit A for 23.45.529.

#### Exhibit A for 23.45.529: Measurement of street-facing facades



## 1. Façade Openings

a. At least 20 percent of each street-facing façade shall consist of windows and/or doors.

b. In order to count toward the requirement for façade openings, windows shall be transparent. Windows composed of glass blocks, and doors to garages and utility and service areas, do not count toward meeting the requirement in this subsection 23.45.529.C.1.

## 2. Façade Articulation

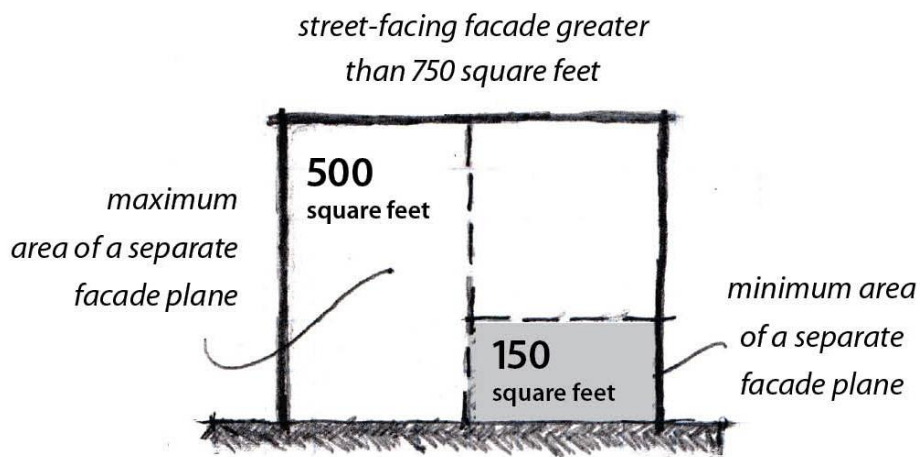
a. If a street-facing facade or portion of a street-facing façade is not vertical, the Director shall determine whether the façade is substantially vertical and required to comply with this subsection 23.45.529.C.

b. If the street-facing façade of a structure exceeds 750 square feet in area, division of the façade into separate projecting or recessed facade planes is required (see Exhibit B for 23.45.529).

c. In order to be considered a separate projecting or recessed façade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing façade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall be separated from abutting façade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows and doors on all street-facing facades.

### **Exhibit B for 23.45.529: Street-facing Facades**



e. The Director may allow exceptions to the façade articulation requirements in this subsection 23.45.029.C.2 as a Type I decision, if the Director determines

that the street-facing façade will meet the intent of subsection 23.45.030.A.1, and the intent of subsections 23.45.029.D.2, E.4, and F.2 for cottage housing developments, rowhouses, and other townhouses, respectively, through one or more of the following street-facing façade treatments:

- 1) variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the façade;
- 2) incorporation of architectural features that add interest and dimension to the façade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;
- 3) special landscaping elements in addition to those provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the façade surface;
- 4) special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing façade(s).

3. Parking Garage Entrances. A parking garage attached to a principal structure with a vehicle entrance facing a street shall satisfy the following:

- a. No portion of the garage above 4 feet from existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the street-level portion of a street-facing façade of the structure on the lot served by the garage;
- b. Garage doors for individual units that are part of the street-facing facade of a principal structure are limited to a maximum of 75 square feet in area per unit;
- c. If access is provided to individual garages from the street, all garage doors facing the street shall be set back at least 15 feet from the street lot line.

4. Paved areas. All contiguous surface parking and driveway areas 2,000 square feet or larger shall incorporate one or more of the following design elements to improve the appearance of paved surfaces:

- a. Use of pavers or stamped or textured surfaces in an area equal to 10% of the contiguous surface parking and driveway area.
- b. Use of landscaping, planters, decorative fences, trellises or other elements of visual interest and relief within or at the immediate edge of the contiguous surface parking and driveway area, at intervals of not less than 30 lineal feet.

D. Design standards for cottage housing developments

1. Pedestrian entry. Each cottage housing unit with a street-facing façade that is located within 10 feet of the street lot line shall have a visually prominent pedestrian entry. Access to these entrances may be through a required private amenity area that abuts the street.

2. Architectural expression. Cottage housing developments shall include architectural details that reduce the visual scale of the units. Each cottage unit must employ one or more of the following design techniques to reduce visual scale of the units:

- a. Attached covered porch
- b. Roofline features such as dormers or clerestories
- c. Bay windows
- d. Variation in siding texture and materials
- e. Other appropriate architectural techniques demonstrated by the

applicant to reduce the visual scale of cottage housing units.

#### E. Design standards for rowhouses

1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent through the use of covered stoops, porches, or other architectural entry features.

2. Front setback. Design elements to provide a transition between the street and the rowhouse structure, such as landscaping, trees, fences, or other similar features, are required in the front setback.

3. Architectural expression. The street-facing façade of a rowhouse structure shall provide architectural detail or composition to visually identify each individual rowhouse unit as seen from the street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual rowhouse units.

#### F. Design Standards for townhouses other than rowhouses

1. Building orientation. Townhouses other than rowhouses shall maximize the orientation of individual units to the street as follows:

- a. A minimum of 50 percent of the units in a townhouse development shall be located so that there is no principal structure separating the unit from the street; or

b. All townhouse units shall have direct access to the street or to a common amenity area that either abuts the street or is directly accessible from the street.

2. For townhouse units without street frontage, a clear pedestrian pathway from the street to the entrance of the townhouse unit shall be provided, either by a separate pathway, or co-location of a pathway and a driveway, if the driveway is differentiated by pavement color, texture, or similar technique. Signage identifying the unit addresses and the direction to the unit entrance(s) from the street shall be provided.

3. Each townhouse unit, other than in rowhouse development, with a street-facing façade shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent feature through the use of covered stoops, porches, or other architectural entry features.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, other than in rowhouse development, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and material variation or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

#### G. Building entry orientation standards for apartments

1. For each apartment structure, a principal shared pedestrian entrance is required that faces either a street or a common residential amenity area, such as a landscaped courtyard, that abuts and has direct access to the street.

2. If more than one apartment structure is located on a lot, each apartment structure separated from the street by another principal structure shall have a principal entrance that is accessible from a common residential amenity area with access to the street.

3. The shared entrance of each apartment structure shall have a pedestrian entry that is designed to be visually prominent, through the use of covered stoops, overhead weather protection, a recessed entry, or other architectural entry features.

## **Attachment C: Proposed changes to the Green Factor Landscaping Requirements**

The proposed changes to the landscaping requirements are shown below, with new wording shown underlined and deleted text ~~crossed out~~.

### **23.45.524 Landscaping and screening standards ((in Midrise and Highrise zones))**

#### **A. Landscaping requirements((:))**

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 ((~~must~~)) shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. ((~~The Director may promulgate standards relating to landscaping matters that may~~)) These standards may include, but are not limited to, the type and size of plants, number of plants, ((~~concentration~~)) spacing of plants, depth((s)) and quality of soil, use of drought-tolerant plants, and access to light and air for plants.

#### **2. Green Factor Requirement((:))**

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any new development in Lowrise zones. Vegetated walls may not count for more than one quarter of a site's Green Factor score.

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any new development in Midrise and Highrise zones.

\* \* \*

### **23.86.019 Green Factor [Measurements]**

A. Development standards for certain areas require landscaping that meets a minimum Green Factor score. All landscaping provided to meet requirements under this Section 23.86.019 shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. These standards may include, but are not limited to, the type and size of plants, spacing of plants, depth and quality of soil, use of drought-tolerant plants, and access to light and air for plants. The Green Factor score shall be calculated as follows:

1. Identify all proposed landscape elements, sorted into the categories presented in Table A for Section 23.86.019.

2. Multiply the square feet, or equivalent square footage where applicable, of each landscape element by the multiplier provided for that element in Table A for Section 23.86.019, according to the following provisions:

a. If multiple elements listed on Table A for Section 23.86.019 occupy the same area (for example, groundcover under a tree), count the full square footage or equivalent square footage of each element.

b. Landscaping elements in the right-of-way between the lot line and the roadway may be counted, provided that they are approved by the Director of the Department of Transportation.

c. Elements listed in Table A for Section 23.86.019 that are provided to satisfy any other requirements of this Code may be counted.

d. For trees, large shrubs, and large perennials, use the equivalent square footage of each tree or shrub according to Table B for Section 23.86.019.

e. For vegetated walls, use the square footage of the portion of the wall covered by vegetation. All vegetated wall structures, including fences counted as vegetated walls, shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.

f. For all elements other than trees, large shrubs, large perennials, and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that lies over or under the element.

g. All permeable paving and structural soil credits together may not count for more than one third of the lot's Green Factor score (~~((for a lot))~~).

\* \* \*

**Table B for Section 23.86.019: Equivalent square footage of trees and large shrubs**

Landscape Elements	Equivalent Square Feet
Large shrubs or large perennials	<del>((46))</del> <u>12</u> square feet per plant
Small trees	<del>((50))</del> <u>75</u> square feet per tree
Small/medium trees	<del>((400))</del> <u>150</u> square feet per tree
Medium/large trees	<del>((450))</del> <u>250</u> square feet per tree
Large trees	<del>((200))</del> <u>350</u> square feet per tree
Existing large trees	<del>((45))</del> <u>20</u> square feet per inch of trunk diameter 4.5 feet above grade